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June 22, 2004

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By Hand-Delivery

Ms. Geneva Thigpen
North Carolina Utilities Commission
430 N. Salisbury Street
Raleigh, NC 27601

FILED
JUN 22 2004
Clerk's Office
N.C. Utilities Commission

**Re: Docket Nos. P-772, Sub 8; P-913, Sub 5; P-989, Sub 3; P-824, Sub 6; and,
P-1202, Sub 4**

Dear Ms. Thigpen:

Enclosed are an original and three (3) copies of the JOINT PETITIONERS' OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S FIRST SET OF INTERROGATORIES in the above-referenced dockets. With your permission, we will deliver the additional twenty-four (24) copies in the morning. Please file the original and return one (1) filed stamped copy to me via our courier.

Thank you for your assistance in this matter.

Sincerely,

Henry C. Campen, Jr.

HCC:ckc

Enclosures

cc: Edward L. Rankin, III (by electronic mail)
Robert A. Culpepper (by electronic mail)

CHARLESTON, SC
CHARLOTTE, NC
COLUMBIA, SC
SPARTANBURG, SC

**BEFORE THE
NORTH CAROLINA UTILITIES COMMISSION**

FILED

JUN 22 2004

Clerk's Office
N.C. Utilities Commission

Docket No. P-772, Sub 8
Docket No. P-913, Sub 5
Docket No. P-989, Sub 3
Docket No. P-824, Sub 6
Docket No. P-1202, Sub 4

In the Matter of)	
)	
Joint Petition NewSouth Communications Corp. <u>et al</u> for Arbitration with)	JOINT PETITIONERS' OBJECTIONS TO
BellSouth Telecommunications, Inc.)	BELLSOUTH
)	TELECOMMUNICATIONS, INC.'S
		FIRST SET OF INTERROGATORIES

NewSouth Communications Corp. ("NewSouth"), NuVox Communications, Inc. ("NuVox"), KMC Telecom V, Inc. and KMC Telecom III, LLC (collectively "KMC"), and Xspedius Communications, LLC ("Xspedius"), (collectively the "Joint Petitioners"), by and through their attorneys, hereby object to the First Set of Interrogatories propounded by BellSouth Telecommunications, Inc. ("BellSouth"). In support thereof, Joint Petitioners state the following:

GENERAL OBJECTIONS

1. Joint Petitioners object to each and every Interrogatory to the extent that it seeks production of information that is protected from disclosure by the attorney work product privilege, attorney-client communication privilege, or other applicable privilege.
2. Joint Petitioners object to each and every Interrogatory to the extent that it seeks production of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.
3. Joint Petitioners object to each and every Interrogatory to the extent that it is vague, overly broad, or contains undefined terms susceptible to multiple meanings.
4. Joint Petitioners object to each and every Interrogatory to the extent that it seeks production of information that is a matter of public record, for example, documents that have been filed with a government agency.

5. Joint Petitioners object to each and every Interrogatory to the extent that it seeks production of information that is in the possession, custody, or control of BellSouth.
6. Joint Petitioners object to each and every Interrogatory to the extent that it seeks production of information that is not in the possession, custody, or control of the Joint Petitioners.
7. Joint Petitioners object to each and every Interrogatory on the ground that they seek information for an indeterminate period of time and is thus overly broad and unduly burdensome. Joint Petitioners will provide non-privileged information that is responsive to the issue to which the Interrogatory responds.
8. Joint Petitioners object to each and every Interrogatory to the extent that it imposes a burden of discovery not required in the Rules of Civil Procedure.
9. Joint Petitioners object to each and every Interrogatory to the extent that it is unduly burdensome, expensive, or oppressive to respond to as presently written, particularly where an Interrogatory seeks information regarding "all" instances or examples.
10. Joint Petitioners' subsequent responses to BellSouth's Interrogatories shall not be deemed an admission as to the relevance or materiality of any of the information sought therein. As discovery is ongoing in this matter, Joint Petitioners reserve the right to supplement and update these responses.

SPECIFIC OBJECTIONS

1. Identify all persons by name, address, and employer participating in the preparation of the answers to these Interrogatories or supplying information used in connection therewith.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

2. For each issue that you are identified as sponsoring in the Testimony, please identify all portions of the testimony by line and page number that you drafted or someone else drafted pursuant to your supervision. If someone else drafted your testimony, please identify that person.

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it is unnecessary and unduly burdensome. Joint Petitioners also object on the ground that this Interrogatory seeks information that is protected by the attorney work product doctrine, attorney-client privilege, or other applicable privilege. This matter involves testimony regarding over seventy-five issues, and Joint Petitioners have provided BellSouth with a chart identifying the sponsors of all portions of the subject testimony. As Joint Petitioners are represented by counsel, Joint Petitioners' testimony was created with the assistance and under the guidance of counsel. Each witness actively participated in the drafting, review and editing of every portion of testimony that they sponsored and, as indicated, they have adopted it as their own. Joint Petitioners will not provide responsive information.

3. Please provide the basis and identify all facts and/or documents that support your statement on Page 19 of the Testimony that "BellSouth's proposed language is designed to provide it with the opportunity to, in effect, hold newly adopted rate amendments hostage, and allow BellSouth to delay the implementation of an approved rate to the extent that the Commission's decision is unfavorable to it."

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. On the basis of these objections, Joint Petitioners will not provide responsive information. Joint Petitioners also note that such information is already in the possession of BellSouth.

4. Please provide the basis and identify all facts and/or documents that support your statement on Page 21 of the Testimony that "this is a restrictive definition designed to serve some undefined and hereto fore undisclosed BellSouth motive."

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. On the basis of these objections, Joint Petitioners will not provide responsive information.

5. Please provide the basis and identify all facts and/or documents that support your statement on Page 22 of the Testimony that "[f]or example, under BellSouth's proposed definition of 'End User,' it is arguable that certain types of CLP customers, such as Internet Service Providers ('ISPs'), might not be considered to be 'End Users.'"

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. On the basis of these objections, Joint Petitioners will not provide responsive information.

6. Please provide the basis and identify all facts and/or documents that support your statement on Page 25 of the Testimony that "[c]ertain traffic passed to NewSouth by BellSouth over our Supergroups with a 0 CIC would likely result in unbillable and uncollectible revenues." In providing a response, please identify the traffic at issue and all instances when such traffic actually resulted in unbillable and uncollectible revenues, identifying the amounts of any unbillable and uncollectible revenues.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding. [FURY ONLY]

7. Regarding Issue No. G-4, please identify all telecommunications interconnection agreements that contain a provision that is identical or similar to the provision you are requesting the Commission adopt in this proceeding.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint

Petitioners also object given the information requested is in the public domain and available to BellSouth through other means. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

8. Regarding Issue No. G-4, please identify all contracts that you have with your customers, end users, vendors, or other third-parties that contain a provision that is identical or similar to the provision you are requesting the Commission adopt in this proceeding.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. Joint Petitioners object to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

9. Please provide the basis and identify all facts and/or documents that support your statement on Page 28 of the Testimony that "the standard liability-cap formulations - starting from a minimum (in some of the more conservative contexts such as government procurements, construction and similar matters) of 15% to 30% of the total revenues actually collected or otherwise provided for over the entire term of the relevant contract - more universally appearing in commercial contracts."

OBJECTION: Joint Petitioners object to the Interrogatory on the ground that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. Based on these objections, the Joint Petitioners will not provide responsive information.

10. Please provide the basis and identify all facts and/or documents that support your statement on Page 28 of the Testimony that "[t]he Petitioners' proposed risk-vs.-revenue trade off has long been a staple of commercial transactions across all business sectors, including regulated industries such as electric power, natural resources and public procurements and is reasonable in telecommunications service contracts as well." In responding to this Interrogatory, please identify each and every contract and/or

commercial transaction in "electric power, natural resources and public procurement" that support your testimony.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. On the basis of these objections, Joint Petitioners will not provide responsive information.

11. Please identify the "long-established principles of general contract law and equitable doctrines," with appropriate legal citations that you are referring to on Page 28 of the Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. On the basis of these objections, Joint Petitioners will not provide responsive information.

12. Please identify all facts, legal authority and/or documents that support your statement on Page 29 of the Testimony that "[i]n my experience, it is a common-sense and universally-acknowledged principle of contract law that a party is not required to pay for non-performance or improper performance by the other party." In responding to this Interrogatory, please identify each and every "experience" you have had that supports your statement.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, attorney work product doctrine, or other applicable

privilege. On the basis of these objections, Joint Petitioners will not provide responsive information.

13. Please identify all facts, legal authority and/or documents that support your statement on Page 29 of the Testimony that "a breach in the performance of services results in losses that are greater than their wholesale costs"

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

14. Please identify all facts, legal authority and/or documents that support your statement on Page 29 of the Testimony that "these losses will ordinarily cost a carrier far more in terms of direct liabilities vis-a-vis those of their customers who are relying on properly-performed services under this Agreement, not to mention the broader economic losses to these carriers' customer relationships as a likely consequence of any such breach."

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

15. Regarding your statements on Page 29 of the Testimony, please identify any cost study, analysis, or other documents that analyze, review or establish that the "breach in the performance of services results in losses that are greater than their wholesale costs."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it is duplicative of Interrogatory number 13. Joint Petitioners also object to this Interrogatory on the ground that that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required

under the Rules of Civil Procedure. On the basis of these objections, Joint Petitioners will not provide responsive information.

16. Regarding your statements on Page 29 of the Testimony, please identify any cost study, analysis, or other documents that analyze, review or establish that "losses will ordinarily cost a carrier far more in terms of direct liabilities vis-a-vis those of their customers who are relying on properly-performed services under this Agreement, not to mention the broader economic losses to these carriers' customer relationships as a likely consequence of any such breach."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it is duplicative of Interrogatory number 14. Joint Petitioners also object to this Interrogatory on the ground that that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Based on these objections, the Joint Petitioners will not provide responsive information.

17. Please identify all end users or customers by name, working telephone number ("WTN") and date of loss that you lost as a result of any alleged breach of performance by BellSouth.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

18. Regarding Issue No. G-5, please identify all of your tariffs and/or end user contracts that do not contain any limitation of liability language.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, , or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object to this item on the ground that their tariffs are a matter of public record that are easily accessible by BellSouth. Subject to and without

waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

19. Please identify all limitation of liability language that exists in your tariffs and/or end user contracts.

OBJECTION: Joint Petitioners object to this Interrogatory on the grounds of relevance. In addition, Joint Petitioners object to this Interrogatory on the ground that of the undue burden that would result from Joint Petitioners having to identify all limitation of liability language in all of Joint Petitioners tariffs and/or end user contracts. Joint Petitioners note that their tariffs are matters of public record and are easily accessible by BellSouth. Joint Petitioners object to this Interrogatory on the grounds that it is vague, overly broad, and thus unduly burdensome. Joint Petitioners further object to the extent that it is duplicative. Subject to and without waiving these objections, Joint Petitioners state that they will produce documents, if any, responsive to the specific Requests herein to the extent required by applicable law.

20. Please identify all legal authority, with appropriate citation, that supports your statement on Page 31 of the Testimony that "a Party is precluded from recovering damages to the extent it has failed to act with due care and commercial reasonableness in mitigation of losses and otherwise in its performance under the Agreement."

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. On the basis of these objections, Joint Petitioners will not provide responsive information.

21. Please identify all instances where you have asked a customer or end user rejected your request to agree to liability provisions that are similar to BellSouth's liability provisions, as stated on Page 32 of the Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory on the grounds that it is unintelligible. Joint Petitioners are unable to discern what information BellSouth seeks.

22. As to your statements on Page 32 of the Testimony, please identify every instance where you have "conceded" limitation of liability language to "attract customers in markets dominated by incumbent providers," including the name of the customer, the WTN, and date of contract evidencing any concession.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object to the item on the grounds that it mischaracterizes the initial testimony in this case, and as such does not warrant a response. On the basis of these objections, Joint Petitioners will not provide BellSouth with responsive information.

23. Please identify all facts, legal authority and/or documents that support your statement on Page 39 of the Testimony that "[a]s is more universally the case in virtually all other commercial-services contexts, the service provider, not the receiving party, bears the more extensive burden on indemnities given the relative disparity among the risk levels posed by the performance of each." In responding to this Interrogatory, please identify the specific "commercial-services" that you are referring to.

OBJECTION: Joint Petitioners object to this Interrogatory on the ground it seeks information that is protected under the attorney-client privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony to which this item refers expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

24. Please identify all indemnification language that exists in your tariffs and/or end user contracts.

OBJECTION: Joint Petitioners object to this Request on the ground that it is duplicative of previous items in this set of discovery. Joint Petitioners also object to this Request on the grounds that it is vague, overly broad, and thus too burdensome to respond. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under

the Rules of Civil Procedure. Joint Petitioners further object on the ground that all tariffs are publicly available and readily accessible by BellSouth. On the basis of these objections, Joint Petitioners will not provide responsive information.

25. Please identify, with appropriate legal citation, the "generally-accepted contract norms providing precisely to the contrary," that you are referring to on Page 40 of your Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory on the ground it seeks information that is protected under the attorney-client privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony to which this item refers expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

26. Regarding Issue G-9, please identify all non Section 252 arbitration proceedings, by date and case-caption, initiated by you against BellSouth at a state public service commission to resolve a dispute between you and BellSouth.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object that the information sought in this item are matters of public record to which BellSouth has ready access, or such information is already in the possession of BellSouth. On the basis of these objections, Joint Petitioners will not provide responsive information.

27. Regarding your statement on Page 44 of the Testimony that "BellSouth often is able to force carriers into heavily discounted, non-litigated settlements," please provide the basis of the statement and identify all facts/and or documents that support the statement, including but not limited to the carriers at issue, the amount of discount, the litigation that was settled, and how you became aware of each settlement.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is

beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object given that BellSouth already possesses the information requested. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

28. Regarding your statement on Page 47 of the Testimony that "Petitioners have been confronted with BellSouth-initiated litigation in which BellSouth seeks to upend this principle of Georgia law," please provide the basis of the statement and identify all facts/and or documents that support the statement, including but not limited to identifying the "BellSouth-initiated litigation" by case-caption you are referring to and the principle of Georgia law (by legal citation) you are referring to.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object to this Interrogatory to the extent that it seeks information that is public available and accessible by BellSouth. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

29. Regarding your statement on Page 47 of the Testimony that "BellSouth's proposal attempts to turn universally accepted principles of contracting on their head," please provide the basis of the statement and identify all facts/and or documents that support the statement, including but not limited to an identification of the "principles of contracting" (by legal citation) you are referring to.

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it is vague, overly broad, and unduly burdensome. Joint Petitioners object to this Interrogatory on the ground it seeks information that is protected under the attorney-client privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. Based on these objections, the Joint Petitioners will not provide responsive information.

30. Regarding Issue G-13, please identify all instances by date, carrier, and interconnection agreement where BellSouth has included a rate in the rate sheet of an interconnection

agreement that is not the rate approved by the Commission, as set forth on Page 48 of the Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners object to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further note that in this item BellSouth references testimony not found on the page number cited and, therefore, Joint Petitioners object to the extent that the item is confusing and imprecise. Finally, Joint Petitioners object on the ground that BellSouth mischaracterizes the initial testimony, such that no response is warranted. On the basis of these objections, Joint Petitioners will not provide responsive information.

31. Regarding your statement on Page 53 of the Testimony that "[n]early all of the CLPs involved in this arbitration have had one bad experience or another with BellSouth using one of its Guides as controlling authority for an issue between the Parties instead of the Agreement," please provide the basis of the statement and identify all facts/and or documents that support the statement, including but not limited to identifying each "bad experience," the CLP experiencing the "bad experience," the date of the "bad experience," and the reason for the "bad experience."

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

32. Please explain in detail your statement on Pages 55-56 of the Testimony that "[g]iven the proliferation of the Guide references, accepting BellSouth's language would severely undermine the integrity of the Agreement and, indeed, the entire Section 251/252 negotiation and arbitration process."

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to

and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

33. Regarding Issue G-16, please identify all instances where you have determined that BellSouth tariff changes are "inconsistent with the Agreement, or are unreasonable or discriminatory" as set forth on Page 56 of the Testimony, describing in detail the tariff change at issue, the date of the tariff change, and the reason why you believed that the tariff change was inconsistent, unreasonable, or discriminatory.

OBJECTION: Joint Petitioners object to this Interrogatory on the grounds that it is unintelligible. Joint Petitioners object to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object this item seeks discovery of information protected by the attorney-client communication privilege, attorney work product doctrine, or other applicable privilege. The testimony quoted in this item expresses the opinion of policy witnesses. Joint Petitioners object on the ground that BellSouth mischaracterizes the initial testimony, such that no response is warranted. On the basis of these objections, Joint Petitioners will not provide responsive information.

34. Please identify the paragraphs of the Triennial Review Order ("TRO") that support the following statements on Page 60 of your testimony wherein you state: "It is my understanding that the FCC concluded, in the TRO, that carriers may convert from UNEs and UNE Combinations to wholesale services and vice versa. It is also my understanding that the FCC concluded such conversions should be seamless and not affect any end-user customer's service."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground it seeks information that is protected under the attorney-client privilege, work product doctrine, or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

35. Please provide the basis of and identify all facts and/or documents that support your statement on Page 62 of the Testimony that "converting a UNE or Combination (or part

thereof) to Other Services or tariffed BellSouth access services should not require substantial development and related costs."

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

36. Please provide the basis of and identify all facts and/or documents that support your statement on Page 67 of the Testimony that retermination of circuits is "likely to be nothing more than a cross-connect."

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

37. Please provide the basis of and identify all facts and/or documents that support your statement on Page 67 of the Testimony that "[t]he CLPs are not disconnecting a service but rather are rearranging a service that cannot be maintained as currently offered under the Agreement."

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

38. Please identify the "FCC rules" you are referring to in the following statements on Page 69 of the Testimony.

- a. "The FCC's rules require that costs associated with Routine Network Modifications can and should be recovered by BellSouth as part of the expense associated with network investments, and therefore should already have been factored into BellSouth's TELRIC costs."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground it seeks information that is protected under the attorney-client privilege, work product doctrine, or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

- b. "Indeed, the FCC's rules are very clear that there may not be any double recovery by BellSouth of Routine Network Modification costs by virtue of BellSouth recovering both the cost of the UNE and a new charge for Routine Network Modifications that already have been factored into the UNE rate."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground it seeks information that is protected under the attorney-client privilege, work product doctrine, or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

- c. "The FCC's rules are also very clear that the onus is on BellSouth affirmatively to demonstrate that a requested modification was not contemplated by BellSouth as a 'Routine Network Modification', and that the costs associated with the requested modification were not factored into BellSouth's TELRIC cost studies in any way whatsoever."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground it seeks information that is protected under the attorney-client privilege, work product doctrine, or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

39. Please identify the FCC rules that you allege on Page 72 of the Testimony "do not allow BellSouth to impose commingling restrictions on stand-alone loops and EELs."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground it seeks information that is protected under the attorney-client communication privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

40. Please identify all legal authority that supports your statement on Page 72 of the Testimony that the "FCC has defined 'commingling' as the connecting, attaching, or otherwise linking of a LINE, or a LINE combination, to one or more facilities or services that a requesting carrier has obtained at wholesale from an incumbent LEC pursuant to any method other than unbundling under Section 251(c)(3) of the Act, or the combining of a UNE or UNE combination with one or more such wholesale services."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground it seeks information that is protected under the attorney-client communication privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

41. Please identify all legal authority that supports your statement on Page 72-73 of the Testimony that the "FCC has also concluded that Section 271 places requirements on BellSouth to provide network elements, services, and other offerings, and those obligations operate completely separate and apart from Section 251."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground it seeks information that is protected under the attorney-client communication privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

42. Please identify all legal authority that supports your statement on Page 73 of the Testimony that "[t]herefore, the FCC's rules unmistakably require BellSouth to allow Petitioners to commingle a UNE or a UNE combination with any facilities or services that they may obtain at wholesale from BellSouth, pursuant to Section 271."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground it seeks information that is protected under the attorney-client communication privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

43. Please identify the paragraphs of the TRO that support your statement on Page 74 of the Testimony that "[i]t is my understanding that the FCC held, in the TRO, that the definition of local loop includes multiplexing equipment."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the attorney-client communication privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

44. Please provide the basis of and identify all facts and/or documents that support your statement on Page 76 of the Testimony that "[a] minimum billing period of 30 days, 2 months, etc. . . would carry with it exclusive use right thereby inhibiting a customer's ability to switch carriers as he or she wishes."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the attorney-client privilege, work product doctrine, or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

45. Regarding Issue 2-12 and your testimony on Page 77, please identify the paragraphs of the TRO that you are referring to when you state "[s]uch a provision would be inconsistent with the FCC's Triennial TRO."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the attorney-client privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

46. Please identify the "issues" and the "reconsideration petition" by date and docket you are referring to on Page 78 of the Testimony, wherein you state: "BellSouth's proposed language is clearly over-expansive and proposes to pre-decide issues currently before the FCC in at least one reconsideration petition."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it is vague, overly broad, and unduly burdensome. Joint Petitioners further to this item to the extent that the information requested is not discoverable under the Rules of Civil Procedure. Joint Petitioners also object on the ground that all petitioners for reconsideration are publicly accessible on the FCC's website. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

47. Please identify the specific rights to loop access and any legal support for these rights that you are referring to on Pages 78-79 of the Testimony, wherein you state: "Petitioners' proposed language in Section 2.1.1.2 merely seeks to retain whatever rights CLPs presently enjoy with respect to loop access"

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the attorney-client communication privilege, work product doctrine or other applicable privilege. Joint Petitioners further to the extent that this Interrogatory seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence, or is beyond that scope of what is discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

48. Please identify all legal support for your statement that CLPs have the right to "obtain a portion of loop bandwidth so that voice-grade services may be provided by one carrier and other services, such as xDSL-based transport services may be provided by another," as set forth on Page 79 of the Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the attorney-client privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

49. Please identify all legal support for your statement that "loop unbundling is a separate checklist item under Section 271, and thus this Commission retains the authority to set rules and policy for its provisioning," as set forth on Page 80 of the Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the attorney-client privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

50. Please identify all legal support for your statements that "FCC orders are presumed to become law, and affect substantive rights, on their effective dates. That legal truism does not have to be expressly stated in every FCC rule," as set forth on Page 82 of the Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the attorney-client privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

51. Please identify all legal authority, with appropriate citations, that supports your statement that "all facilities and work involved in provisioning, maintaining and repairing UNEs, including loops, must be priced at TELRIC compliant rates," as set forth on Page 83 of the Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the attorney-client privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

52. Please provide the basis of and identify all facts and/or documents that support your statement on Page 85 of the Testimony that "dispatch charges significantly undercut Petitioners' ability to compete effectively."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the attorney-client privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

53. Please identify all customers or end users by name, WTN, and date of loss that you were unable to obtain or lost or were unable to acquire because of dispatch charges.

OBJECTION: Joint Petitioners object to this Interrogatory on the grounds that it is unintelligible. Joint Petitioners object to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object to this Interrogatory on the ground that it mischaracterizes their initial testimony, such that no response is warranted. On the basis of these objections, Joint Petitioners will not provide responsive information.

54. Please identify all dispatch charges that you charge your end users or customers.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The amounts that Joint Petitioners charge their customers is not the subject of any issue in this arbitration. On the basis of these objections, Joint Petitioners will not provide responsive information.

55. Please identify when you are planning to deploy or use "Etherloop" or "G.HDSL Long" technologies, as described on Page 92 of the Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners object on the ground that BellSouth mischaracterizes the initial testimony, such that no response is warranted. Furthermore, Joint Petitioners object because the information sought is confidential, proprietary information. On the basis of these objections, Joint Petitioners will not provide responsive information.

56. Please identify all legal authority, with appropriate citations, that supports your statement on Pages 93 of the Testimony that "Federal law provides, without limitation, that CLPs may request this type of Line Conditioning, insofar as they pay for the work required based on TERLIC-compliant [sic] rates."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the attorney-client privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

57. Please identify all legal authority, with appropriate citations, that supports your statement on Page 98 of the Testimony that "the manner in which UNE loops are provisioned, and whether they are usable for CLP service, is squarely within the parameters of Section 251."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

58. Please identify all legal authority, with appropriate citations, that supports your statement on Page 98 of the Testimony that "loop unbundling is a separate checklist item under Section 271, and thus this Commission retains the authority to set rules and policy for its provisioning."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information. .

59. Please identify all legal authority, with appropriate citations, that supports your statement on Pages 99-100 of the Testimony that "the FCC has already found, on a nationwide basis, that CLPs should not be made to build new NIDs."

Joint Petitioners note that Issue 2-22 has been resolved.

60. Regarding Issue 2-23(D), please identify any and all of the steps, measures, protections, procedures or other processes that you would use to access an "available pair."

Joint Petitioners note that Issue 2-23(D) has been resolved.

61. Regarding Issue 2-24, please identify all instances by date, time, location and WTN, where you have determined that testing of the loop at a place other than the distribution frame and at the end user's premises was required to "detect and pinpoint a problem," as set forth on Page 106 of the Testimony.

Joint Petitioners note that Issue 2-24 has been resolved.

62. Please identify all legal authority, with appropriate citations, that supports your statement on Page 106 of the Testimony that federal law "imposes no limitation on a CLP's right to test loops - both lit and dark fiber loops - at any technical feasible point."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

63. Please identify all legal authority, with appropriate citations, that supports your statements on Page 107 of the Testimony that "Petitioners will be paying BellSouth for these loops, and should be permitted to do whatever testing is necessary to ensure that they work."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. On the basis of these objections, Joint Petitioners will not provide responsive information.

64. Please identify all legal authority, with appropriate citations, that supports your statements on Page 108 of the Testimony that "[t]he law does not require an LOA from a third party carriers [sic]."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

65. Regarding Issue 2-28(A) please describe in detail your understanding of "DSL transport" or "DSL service" as used on Page 111 of the Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

66. Please identify all legal authority, with appropriate citations, that supports your statement on Page 117 of the Testimony that "[t]he FCC has concluded that such pre-audits constitute an unjust, unreasonable and discriminatory term and condition for obtaining access to UNE combinations and are prohibited."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

67. Please provide the basis of and identify all facts and/or documents that support your statement on Page 118 of the Testimony that "BellSouth's conversions of special access to EELs have resulted in damages of approximately \$1.6 million."

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

68. Please describe in detail how you calculated the \$1.6 million in damages described on Page 118 of the Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant

nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

69. Please identify all FCC or state commission rules or orders that support your position that BellSouth should only be able to perform an EELs audit for cause as set forth on Page 121 of the Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. On the basis of these objections, Joint Petitioners will not provide responsive information.

70. Please identify all telecommunications interconnection agreements that have identical or similar language for EELs audits that you are proposing in this proceeding.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required by the Rules of Civil Procedure. Joint Petitioners further object to this request on the ground that interconnection agreements are matters of public record and are easily accessible by BellSouth. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

71. Please provide a detailed explanation of what you mean by the "concept of materiality," as set forth on Page 124 of the Testimony, providing in detail, examples of when noncompliance would and would not be material.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant

nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required by the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

72. Please identify all interconnection agreements that include the "concept of materiality" for EELs audits.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object to this request on the ground that interconnection agreements are matters of public record and are easily accessible by BellSouth. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

73. Please identify every instance of "controversy" regarding EELs audits by date, carrier, how each controversy was resolved that support your Testimony on Page 125, wherein you state: "Given the history of controversy that has surrounded BellSouth's EEL audits, the Petitioners understandably have genuine concerns about the legitimacy of BellSouth's EEL audits."

OBJECTION: Joint Petitioners object to this Interrogatory on the grounds that it is vague and unduly burdensome. Joint Petitioners further object given that BellSouth was a party to all EEL audits and related proceedings and, thus, has equal or better access to the requested information. Accordingly, Joint Petitioners will not provide BellSouth with responsive information.

74. Please identify all legal authority, with appropriate citations, that supports your statement on Page 128 of the Testimony that "FCC's rules require that BellSouth provide nondiscriminatory access to the dark fiber transport UNE at any technically feasible point, including access for purposes of conducting splicing and testing activities."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the attorney-client privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on

the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this items represents the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

75. Please identify all legal authority, with appropriate citations, that supports your statement on Page 131 of the Testimony that BellSouth has a "CNAM unbundling obligation."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

76. Identify all instances where you lost an end user and that end user returned to BellSouth or where you were unable to acquire an end user because "caller ID does not appear," as set forth on Page 131 of the Testimony. In responding to this request, please identify the customer name, date, and WTN for each end user.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object to the item on the grounds that it mischaracterizes the initial testimony in this case, and as such does not warrant a response. On the basis of these objections, Joint Petitioners will not provide BellSouth with responsive information.

77. Identify all instances when BellSouth mischarged you "for a Local Channel when an infra-office cabling scheme is used to connect [your] point-of-presence to the BellSouth switch," as set forth on Page 135 of the Testimony.

Issue 3-1 has been resolved, and therefore no response to this Interrogatory is required.

78. Please identify any and all outages that you consider to be a "global outage" for purposes of this agreement.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

79. Please identify all instances in which BellSouth provided a root cause analysis to you.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object on the ground that all responsive information is in BellSouth's possession. On the basis of these objections, Joint Petitioners will not provide responsive information.

80. Please identify every instance and all documents that you support your Testimony on Page 140 that you have experienced a global outage involving an entire trunk group. In responding to this request, please identify each outage by date, WTNs affected, location of outage, the trunk groups affected, how long the outage existed, the reason for the outage, and whether BellSouth provided a root cause analysis for the outage.

OBJECTION: Joint Petitioners object to this Interrogatory on the grounds that it is unintelligible. Joint Petitioners object to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

81. Please identify all instances and any documents that relate, address, apply or refer to the use of a root cause analysis to respond to customer inquiries regarding service outages or otherwise.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

82. Please identify all documents that relate, address, apply, or refer to any policies you have regarding advising customers as to service problems, "the steps taken to repair and avoid their recurrence in the future," as set forth on Page 141 of the Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

83. Regarding Issue 3-3, please identify all documents, including but not limited to contracts, tariffs, policies statements, and training manuals, that address, relate, pertain, or refer to the backbilling of customers.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

84. Please identify all instances where you were unable to bill a customer or end user after 90 days. In responding to this request, please identify each instance by date, customer name, WTNs, and amount of charges that you were unable to bill.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object to the item on the grounds that it mischaracterizes the initial testimony in this case, and as such does not warrant a response. On the basis of these objections, Joint Petitioners will not provide BellSouth with responsive information.

85. Please provide the basis of and identify all facts and/or documents that support your statement on Page 145 of the Testimony that "there is a potential that BellSouth will pay third parties without carefully scrutinizing their bills and the legal bases therefore, and expect reimbursement from CLPs, for unjust termination charges."

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

86. Please identify all instances where BellSouth paid third parties without carefully scrutinizing its bills and then attempted to charge CLPs for these "unjustified termination charges," as set forth on Page 145 of the Testimony. In responding to this request, please identify each instance by date, third party, WTNs, CLP that was asked to pay the "unjust termination charges," the amount of said charges, and whether the CLP disputed these charges.

OBJECTION: Joint Petitioners object to this Interrogatory on the grounds that this item is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object to this Interrogatory on the ground that it mischaracterizes the relevant testimony such that no response is required. Based on these objections, the Joint Petitioners will not provide responsive information.

87. Please identify all instances where BellSouth paid "third parties even when it has no contractual or other legal obligation to do so," as set forth on Page 145 of the Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory on the grounds that this item is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object to this Interrogatory on the ground that it mischaracterizes the relevant testimony such that no response is required. Based on these objections, the Joint Petitioners will not provide responsive information.

88. Please provide the basis of and identify all facts and/or documents that support your statement on Page 147 of the Testimony that "[b]ecause factors reporting involves temporal measurements, it is more than likely that replacement factors created by BellSouth will not lend themselves to an apples-to-apples comparison."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to this Interrogatory on the ground that it seeks information that is protected under the attorney-client privilege, work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. Based on these objections, the Joint Petitioners will not provide responsive information.

89. Please provide the basis of and identify all facts and/or documents that support your statement on Page 148 of the Testimony that "BellSouth has developed the TIC predominantly to exploit its monopoly legacy and overwhelming market power."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

90. Please identify all legal authority, with appropriate citations, that supports your statement on Page 150 of the Testimony that "[t]ransiting is an interconnection issue firmly ensconced in Section 251 of the Act."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

91. Please identify all legal authority, with appropriate citations, that supports your statement on Page 157 of the Testimony that "[t]he FCC has held that obligations imposed by Section 251(c)(2) and 251(c)(3) include 'modifications to incumbent LECs facilities to the extent necessary to accommodate interconnection or access to network elements.'"

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony quoted in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

92. Please state whether you have installed the "appropriate hardware" in your switches to allow for OCn interconnection, as alleged on Page 158 of the Testimony.

Issue 3-10 has been settled and therefore no response to this Interrogatory is required.

93. Please identify all legal authority, with appropriate citations, that supports your statement on Page 163 of the Testimony that "[t]o the extent the Parties are carrying non-transit and non-interLATA Switched Access Traffic, the parties should proportionally split the recurring charges for trunks and associated facilities."

Issue 3-13 has been resolved and therefore no response to this Interrogatory is required.

94. Please identify what percentage of your traffic consists of "non-transit and non-interLATA Switched Access Traffic."

Issue 3-13 has been resolved and therefore no response to this Interrogatory is required.

95. Regarding your Testimony on Page 166, please identify all instances where, after collocating in a BellSouth premise, you have been unable to "gain access to loops, transport, multiplexers, switch ports, optical terminations and the like" by date, central office, and specific equipment you were unable to access.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and thus unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object to this Request on the ground that it mischaracterizes the relevant testimony such that no response is warranted. On the basis of these objections, Joint Petitioners will not provide responsive information.

96. Please identify all legal authority, with appropriate citations, that support your statement on Page 191 of the Testimony that BellSouth is required by federal law to provide subscribers payment history in a CSR.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

97. Regarding your testimony on Page 192 of the Testimony that certain Commissions have "already determined" that BellSouth must include subscriber payment history in a CSR, please identify the Commissions you are referring to, the docket in which a Commission made such a finding, and the date of any such finding.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

98. Regarding Issue 6-2, for the last 12 months, please provide, on a monthly basis, the number of CSRs you provided to BellSouth and the number of business days that elapsed on average between the date of receipt of a request for a CSR and the date you provided the CSR to BellSouth.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The interval in which BellSouth has processed CSR requests has no relevance to the matter being arbitrated in Issue 6-2. On the basis of these objections, Joint Petitioners will not provide responsive information.

99. Regarding Issue 6-4, please identify all products and/or services that you have actually ordered or wish to order from BellSouth that you contend cannot be ordered electronically.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object on the ground that this question mischaracterizes the written testimony such that no response is required. On the basis of these objections, Joint Petitioners will not provide responsive information.

100. For each such product or service identified in Interrogatory No. 99, please provide on a monthly basis the number of Local Service Requests ("LSRs") that you submitted to BellSouth for each product and/or service for the last 12 months.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and thus unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object on the ground that this item is unintelligible, as it requests LSRs "identified in Interrogatory No. 99," an item which does not seek identification of LSRs. Joint Petitioners further object given that all information regarding CLP requests for LSRs is resident at BellSouth. On the basis of these objections, Joint Petitioners will not provide responsive information.

101. Please provide the basis of and identify all facts and/or documents that support your statement on Page 201 of the Testimony that "NewSouth's experience has been that a significant amount (we currently estimate 25%) of NewSouth's facility orders have to be submitted manually because of address validation errors" and that "NewSouth has found BellSouth to be delinquent in updated address records."

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

102. Please identify all legal authority, with appropriate citations, that support your position on Page 202 of the Testimony that Service Date Advancements should be charged at TELRIC pricing standard.

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony referenced in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

103. Regarding Issue 6-6, for the last 12 months, please provide, on a monthly basis, the number of FOCs you provided to BellSouth and the number of business days that elapsed on average between the date of receipt of a request for a FOC and the date you provided the FOC to BellSouth.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and thus unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The interval in which BellSouth has provided FOCs to Joint Petitioners bears no relevance to the matter being arbitrated in Issue 6-6. Joint Petitioners further object on the ground that all responsive information is in BellSouth's possession. On the basis of these objections, Joint Petitioners will not provide responsive information.

104. Regarding Issue 6-7, for the last 12 months, please provide, on a monthly basis, the number of Reject Responses you provided to BellSouth and the number of business days that elapsed on average between the date of a request for a Reject Response and the date you provided the Reject Response to BellSouth.

OBJECTION: Joint Petitioners object to this Request on the ground that it is unintelligible, as Issue 6-7 does not regard the interval in which any party provides a CSR. Joint Petitioners also object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners further object to the extent that this item is additive, duplicative, and thus intended to harass or vex. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The interval in which BellSouth has provided order-related to Joint Petitioners bears no relevance to the matter being arbitrated in Issue 6-7. Joint Petitioners further object on the ground that all responsive information is in BellSouth's possession. On the basis of these objections, Joint Petitioners will not provide responsive information.

105. Please identify all legal authority, with appropriate citations, that supports your position on Pages 208-209 of the Testimony that BellSouth is obligated under federal law to provide performance and maintenance history for circuits.

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony referenced in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

106. Regarding your statements on Pages 211-212 of your Testimony, please identify (1) all efforts you have undertaken to develop your own OSS systems, (2) the expected completion of your own OSS systems; and (3) all components of your own OSS that remain to be completed.

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is

beyond the scope of what is required under the Rules of Civil Procedure. Petitioners' OSS development and present status are not relevant to the issue discussed at the referenced pages of testimony. Based on these objections, the Joint Petitioners will not provide responsive information.

107. Please identify all documents that relate, address, apply, or refer the development of your own OSS.

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Petitioners' OSS development and present status are not relevant to the issue discussed at the referenced pages of testimony. Based on these objections, the Joint Petitioners will not provide responsive information.

108. Please identify all legal authority, with appropriate citations, that support your statements on Page 212 of the Testimony that "BellSouth is required by law to port a customer once the customer requests to be switched to another local service provider, regardless of any arrangement or agreement (or lack thereof) between a Petitioner and BellSouth Long Distance or another third party carrier."

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony referenced in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

109. Please identify all end users you lost or were unable to acquire, by name, WTN, and date of loss, as a result of a requirement that the porting of the end user or customer to the CLP is contingent on either the CLP having an operating, billing and/or collection arrangement with any third party carrier, including BellSouth Long Distance or the customer or End User changing its PIC.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is

beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object on the ground that this question mischaracterizes the written testimony such that no response is required. On the basis of these objections, Joint Petitioners will not provide responsive information.

110. Please identify all long distance carriers that you do not have an operating, billing, and/or collection arrangement with.

OBJECTION: Joint Petitioners object to this Interrogatory on the grounds that it is unintelligible. Joint Petitioners object to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The identity of carriers with whom Joint Petitioners have no billing, collection or similar agreement is irrelevant to the practice at issue in Issue 6-10. Based on these objections, the Joint Petitioners will not provide responsive information.

111. Please provide the basis of and identify all facts and/or documents that support your statement on Page 216 of the Testimony that "mass migrations at most amount to bulk porting situations. . . ."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

112. Regarding your statement on Page 217 of the Testimony that "[t]oo many carriers already have faced too many obstacles to getting mass migrations accomplished by BellSouth in a reasonable manner," please identify (1) the specific obstacles you are referring to; (2) the carriers attempting to perform the mass migration; and (3) the location of the customer base that was migrated or was attempted to be migrated.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is

beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

113. Please identify all legal authority, with appropriate citations, that supports your position on Page 218 that mass migration services should be priced at TELRIC.

OBJECTION: Joint Petitioners object to this Interrogatory on the ground that it seeks information that is protected under the work product doctrine or other applicable privilege. Joint Petitioners further object on the ground that the information requested is not discoverable under the Rules of Civil Procedure. The testimony referenced in this item expresses the opinion of policy witnesses. Based on these objections, the Joint Petitioners will not provide responsive information.

114. Please identify the specific steps and processes that you believe are needed to perform mass migration of customers.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and thus unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object to this Request on the ground that it seeks information that is within the possession, custody and control of BellSouth, and that Joint Petitioners cannot reasonably be expected to know all the methods and procedures required for placing mass migration orders in BellSouth's OSS system to which Joint Petitioners have never had access. On the basis of these objections, Joint Petitioners will not provide responsive information.

115. Please identify all documents that relate, address, apply, or refer to your allegations on Pages 218-219 of the Testimony that Xspedius once attempted "to accomplish mass migration of several special access circuits to UNE loops."

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object to this Interrogatory on the ground that all information

regarding requests for mass migration is in BellSouth's possession. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

116. Please identify all instances in which you have billed BellSouth or another carrier for services rendered more than 90 days after the bill date on which those charges ordinarily would have been billed.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and thus unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The information sought in this Request is not relevant to the matter being arbitrated in Issue 7-1. On the basis of these objections, Joint Petitioners will not provide responsive information.

117. Please identify all charges that would not be subject to the exemptions to the 90 day backbilling prohibition you testify about on Page 222 of the Testimony.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

118. Please provide the basis of and identify all facts and/or documents that support your statement on Page 229 of the Testimony that "[i]t is my understanding that the BFR/BNR process is a lengthy, expensive and typically unsatisfactory process."

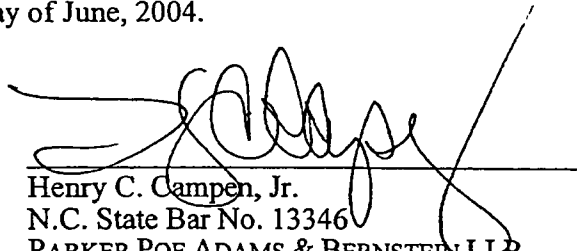
OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged,

responsive information, if any, pursuant to the discovery guidelines of this proceeding.

119. Please identify all instances where you have used the BFR/BNR process with BellSouth.

OBJECTION: Joint Petitioners object to this Interrogatory to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Interrogatory to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, Joint Petitioners will provide non-privileged, responsive information, if any, pursuant to the discovery guidelines of this proceeding.

Respectfully submitted, this 22nd day of June, 2004.



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Counsel for the Joint Petitioners

CERTIFICATE OF SERVICE

I, Henry C. Campen, Jr., do hereby certify that I have, on this 22nd day of June, 2004, caused to be served upon the following individuals, by hand delivery or electronic mail, a copy of the foregoing **JOINT PETITIONERS' OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S FIRST SET OF INTERROGATORIES**:

By electronic mail:

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